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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,700	07/17/2003	Bruce Gordon Ramsay	99A429 (DIV)	1513

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EXAMINER

STOUFFER, KELLY M

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,700	Applicant(s) RAMSAY, BRUCE GORDON	
	Examiner Kelly Stouffer	Art Unit 1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-33 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-33 and 36-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 August 2006 has been entered.

Response to Arguments

Applicant's arguments filed 19 October 2006 have been fully considered but they are not persuasive.

The applicant alleges that the Supplemental Declaration filed 21 August 2006 under 37 CFR 1.131 is sufficient to establish diligence. The Supplemental Declaration has been considered but is ineffective to overcome the Ryan et al. reference. According to *Bey v. Kollonitsch*, 866 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986), if the attorney has a reasonable backlog of unrelated cases which he takes up in chronological order and carries out expeditiously, that is sufficient to establish reasonable diligence of the attorney. The declaration does not establish that the backlog of applications were taken up diligently and in chronological order, therefore there is insufficient evidence to establish reasonable diligence.

The Applicant argues that Ryan et al. does not teach all of the limitations of independent claim 17. However Ryan et al. discloses (in columns 2 and 3 lines 42-17) a method of transferring articles in and out of a processing chamber using a load lock chamber with an article supporting surface that is sealed inside and when moved between chambers a ring valve is used that is the cover and seal of the claimed load lock chamber. Thus in this selection, all limitations as broadly recited in claim 17 are found. The Applicant further argues that Ryan et al. does not teach all of the limitations of dependant claims 19 and 24 and independent claims 26 and 36-38. In column 11 lines 29-45 and Figure 9B Ryan et al. shows the features of the claims – the wafers are moved substantially 180 degrees toward then away from each other when transferring between chambers, whose movement may be considered lateral when viewing Figure 9B. Thus Ryan et al. meets the limitations of claims 19, 24, 26 and 36-38 at least as broadly described by the claims.

In addition, the Applicant argues that Ryan et al. does not meet the limitations of independent claim 30. However, Figures 12 and 13 in addition with column 14 et seq. clarify that more that while one wafer is in the load lock chamber, the other is being processed, then removed, and so forth as claimed in claim 30.

The Applicant further argues that Ryan et al. in view of Nishida et al. does not teach the limitations of dependant claims 20-23, 27-29 and 31-32 because of the reasons set forth and discussed above. In addition, the applicant argues that Ryan et al. in view of Nishida et al. does not teach the limitations of independent claim 33 because the combination does not teach wedge shaped pieces of a dome. Figure 5 of

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Nishida et al. shows substrates 48 on a dome 50 arranged so that each row of substrates makes up a wedge shaped piece of the dome. Thus, Ryan et al. in view of Nishida et al. meet the recitations of claim 33 at least as broadly recited in the claim.

Because the arguments filed 19 October 2006 were not found convincing, the rejections of the previous office action are maintained and repeated here in their entirety.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17-19, 24-26, 30, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Ryan et al. (US 6,429,139 B1).

Ryan teaches the limitations of using the load lock chamber in the claimed manner (column 2, line 42 to column 3, line 17). The claimed limitations of moving the substrates simultaneously in a manner in which the wafers are brought closer together then rotated 180 degrees is taught (column 11, lines 29-45). All other limitations are taught within these cited paragraphs or are taught in the claims section.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-23, 27-29, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (US 6,429,139 B1), as applied to claims above, and further in view of Nishida et al. (US 4,226,208).

Ryan teaches the limitations above, but is silent to using a carrier dome. However, Nishida teaches that using a carrier dome allows for coating multiple wafers simultaneously (abstract). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to use a carrier dome in the process taught by Ryan. By doing so, multiple wafers may be coated simultaneously.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Stouffer whose telephone number is (571) 272-2668. The examiner can normally be reached on Monday - Thursday 7:00-5:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kelly Stouffer
Examiner
Art Unit 1762

kms



TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER